

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF:

Cotton et al.

Grp. Art. Unit: 2834

Application No: 09/783,367

Examiner: Addison, K.

Filing Date: February 14, 2001

Date: May 30, 2003

APPARATUS AND METHOD FOR
ADJUSTING THE PRE-LOAD OF
A SPRING

Atty. Dkt. No: 99-617

RESPONSE TO OFFICE ACTION

In response to the Office Action dated January 31, 2003, please consider the attached petition for an extension of time and following remarks.

Claims 20-31 are pending in the present application. Of these, Claims 24-26 stand allowed, and claims 22-23 and 30-31 stand objected to as being dependent upon a rejected base claim. Claims 20-21 stand rejected under 35 USC §102(e) over Bryant. Finally, claims 27-29 stand rejected under 35 USC §103(a) over Bryant.

Applicants appreciate the indication of allowable subject matter.

With regard to claims 20-21, the office action identifies Figure 3 of Bryant (6,140,745) and text and column 2 lines 10-15 as supposedly anticipating Applicants' claimed invention. In addition, the office action refers to specific item numbers supposedly included in Bryants' Figure 3. However, many of the item numbers listed, including the numerals 10 and 28 do not appear in Bryants' Figure 3. In addition, the reference to the text does not disclose Applicants' claimed invention. Finally, a feature essential to the claim was apparently overlooked. In particular, Applicants' claims require that the spring bias the moveable

I certify that this paper or fee was mailed with sufficient postage via first class mail on the 30th day of May, 2003 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; Name Printed : Carrie Stremming; Signature *Carrie Stremming*

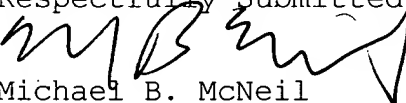
element toward a predetermined position with a spring pre-load force. Figure 3 on Bryant on the other hand simply shows a spring 6 in opposition to a piezo electric actuator 100 but does not show, and the text does not suggest, item 8 as being biased to any predetermined position based upon any fair reading of the reference. Although Applicant made several attempts to contact the Examiner to clarify the office action, Applicants' attorney was unable to obtain any such clarification by the time it was necessary to file this response. Because the cited figure and accompanying text of Bryant neither show what the office action asserts nor what Applicants' have claimed, Applicants respectfully request that the outstanding \$102 rejection be withdrawn.

With regard to claims 27-29, the office action refers to its earlier paragraph for what Bryant supposedly shows. As stated, the \$102 rejections in the office action contain references to features not shown in Figure 3 of Bryant nor does the accompanying text identified in the office action anticipate Applicants' claimed invention. Finally, Applicants respectfully assert that the dismissal of Applicants' claim language as a mere duplication of an essential working part is a mischaracterization. Claim 27 is meant to refer to systems, such as fuel injection systems that might include multiple fuel injectors that each include a separate actuator in need of trimming via the separate piezo electric actuators. In such a case, since each fuel injector is injecting fuel at different times in the engine cycle, one could have an array of adjustment voltages that are unique to each of the individual fuel injectors. However, because only one is operating at any given time, applying the different voltages would merely affect the fuel

injector in operation at that time. Thus, Applicants' claims refer to something more than the mere duplication of essential working elements. Instead, Applicants' claims refer to the added complexity encountered when multiplied with a single controller. More is not more, more is different. Therefore, apart from the fact that Bryant neither shows what the office action asserts nor what Applicants have claimed, and the fact that the claims 27-29 are not merely duplications of essential working elements, Applicants respectfully request that the outstanding \$103 rejections against claims 27-29 be withdrawn.

This application is believed to be in condition for allowance of claims 20-31. However, if the examiner believes that some minor additional clarification would put this application in even better condition for allowance, the examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted



Michael B. McNeil

Reg. No. 35,949